

Fact Sheet
Asbestos Hazard Emergency Response Act (AHERA)

On October 22, 1986, President Reagan signed into law the Asbestos Hazard Emergency Response Act (AHERA) of 1986 (PL99-519). Under AHERA, the Environmental Protection Agency (EPA) is directed to promulgate regulations which provide a framework for addressing asbestos problems in public and private schools. The proposed rule will be published in the Federal Register by May 1, 1987 and the final rule will be issued on October 17, 1987.

Inspections

- The rule requires an accredited inspector to visually inspect all areas to identify location of all asbestos-containing materials (ACM) - Both friable (easily crumbled) and non-friable.
- Exclusions: An initial inspection of portions of the school or the entire school is unnecessary if:
 1. an accredited inspector has determined that a previous inspection identified ACM or indicated no ACM was present;
 2. the school is built after October 12, 1988 and an architect or project engineer or accredited inspector signs a statement indicating that no ACM was specified for use in construction documents;
 3. a school's inspection and abatement records indicate that all ACM was removed.

Reinspection and Periodic Surveillance:

- Under the proposed rule, Local Education Agencies (LEAs) will be required to monitor ACM left in place.
- LEA may use unaccredited personnel (custodian or maintenance workers) to perform periodic surveillance activities.
- Periodic surveillance requires checking ACM every six months to determine if its condition has changed since the last inspection or surveillance.
- Re-inspection is required every three year, to re-assess the ACM and must be conducted by an accredited inspector.

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Management Plans

- LEAs are required to develop an asbestos management plan for each school under their administrative control. The plan:
- Must be developed by an accredited asbestos management planner.
- Must include a description of inspection and response actions; an assurance that accredited persons were used to conduct inspections, develop management plans, and design or conduct response actions; and a plan for reinspection and operations and maintenance.
- LEAs are to submit their management plans to their State on or before October 12, 1988. The state has 90 days to disapprove the plan. The LEA is allowed 30 days to review its plan to conform with the State's changes.
- Each LEA must implement its plan on or before July 9, 1989.

Response Actions

- AHERA directs the LEA to select and implement appropriate response actions for ACM which was assessed by the accredited inspector.
- The five major response actions include: operations and maintenance (O&M), repair, encapsulation, enclosure and removal. The proposed rule describes appropriate circumstances for selecting each response action as well as steps which shall be taken to properly conduct and complete the response actions.

Use of Accredited Persons

- LEAs shall use accredited persons to inspect for ACM in school buildings, prepare management plans for schools, and design or carry out response actions with respect to ACM in schools.
- As required by AHERA, EPA issued a final Model Contractor Accreditation Plan on April 20, 1987. According to AHERA, each state must adopt a contractor accreditation program at least as stringent as the EPA Model Plan. Persons can receive accreditation from a State that meets the requirements of the EPA Model, or by taking an EPA-approved training course and exam.
- The Model Plan requires persons seeking accreditation to take an initial training course, pass an examination and participate in continuing education.

- AHERA enables EPA to permit persons to be grandfathered into the accreditation system for an interim period if they had attended prior EPA-approved asbestos training and passed or pass an asbestos exam. These provisions apply only to persons who have taken a suitable training course since January 1, 1985. The interim accreditation is for only 1 year after the date on which the State where the person is employed establishes an accreditation program at least as stringent as the EPA Model.

Worker and Occupant Protection

- AHERA extends coverage of the EPA Worker Protection Rule (40 C.F.R., Part 763) to maintenance and custodial personnel in schools who are not covered by OSHA's construction standard or approved State OSHA programs.
- LEAs are required, through air monitoring procedures or historic air monitoring data, to document and assure that the Permissible Exposure Limit (PEL) of 0.2 f/cc has not been reached or to implement proper protection practices to control exposure when the action level of .1 f/cc is met.
- LEAs may choose to institute the provision of Appendix B of the act in the case of small-scale, short duration projects rather than comply with the full EPA worker protection rule.
- Basic occupant protection requirements are established for any O&M activity in a school which disturbs ACBM including restricted areas, posted signs and modified air movement outside of the area.

Waiver for State Program

- States may receive a waiver from some or all of the requirements of the proposed rule if the State has established and is implementing or intends to implement a program of asbestos inspection and management at least as stringent as the requirements of the proposed rule.